IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 462 of 2000

For Approval and Signature: sd/-

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RAJDEEP TEXTILE PRINTERY

Versus

SANMUKHRAI HEMANTLAL BATAVIA

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Appearance:

1. Appeal from Order No. 462 of 2000

MR RR TRIVEDI for Petitioners No. 1-2

MR PRADEEP PATEL for Respondent No. 1

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CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 16/10/2001

ORAL JUDGEMENT

1. This Appeal is arising out of the impugned order passed by the learned Civil Judge (SD), Gondal below Ex.5 in Special Civil Suit No.51 of 2000 whereby the learned Judge restrained the appellant - defendant from transferring, selling or mortgaging the property in question to any one else till the final disposal of the Suit.

2. This Appeal was admitted straightway on 13.12.2000 by the learned Single Judge of this Court.

Along with this Appeal the appellant - defendant has filed civil Application No.11362 of 2000. On 13.12.2000 while issuing the Rule on the said Civil Application making it returnable on 10.1.2001 the learned Single Judge of this Court stayed the execution, implementation of the impugned order passed by the trial Court below Ex.5 on condition that the appellant shall furnish security/surety to the satisfaction of the trial Court by the next returnable date. The said interim relief was earlier extended from time to time and later on i.e. on 22.3.2001 it was confirmed on the statement being made at the bar that the order dated 13.12.2000 passed by this Hon'ble Court on Civil Application is duly complied with by placing the copy of security furnished before the trial Court.

3. In view of the above, in my considered opinion, nothing survives in this Appeal and both the learned Counsel for the parties agree that this Appeal be disposed of in terms of the order dated 13.12.2000 passed on Civil Application No.11362 of 2000 which was later on confirmed on 22.3.2001.

4. Accordingly, this Appeal is disposed of without going into the legality and validity of the impugned order passed by the learned trial Judge in terms of the order dated 13.12.2000 passed in Civil Application No.11362 of 2000 which was confirmed on 22.3.2001.

sd/-

Date : October 16, 2001 (B.J.Shethna, J.)

*sas*